

8[B].



9. Plaintiff has also inappropriately posted on social media a photograph of a note from the Child across which Plaintiff has scrawled “F... you Asensio” to demonstrate in as filthy a manner as possible how she views the Child’s affection as nothing more than a means to spite the Defendant.

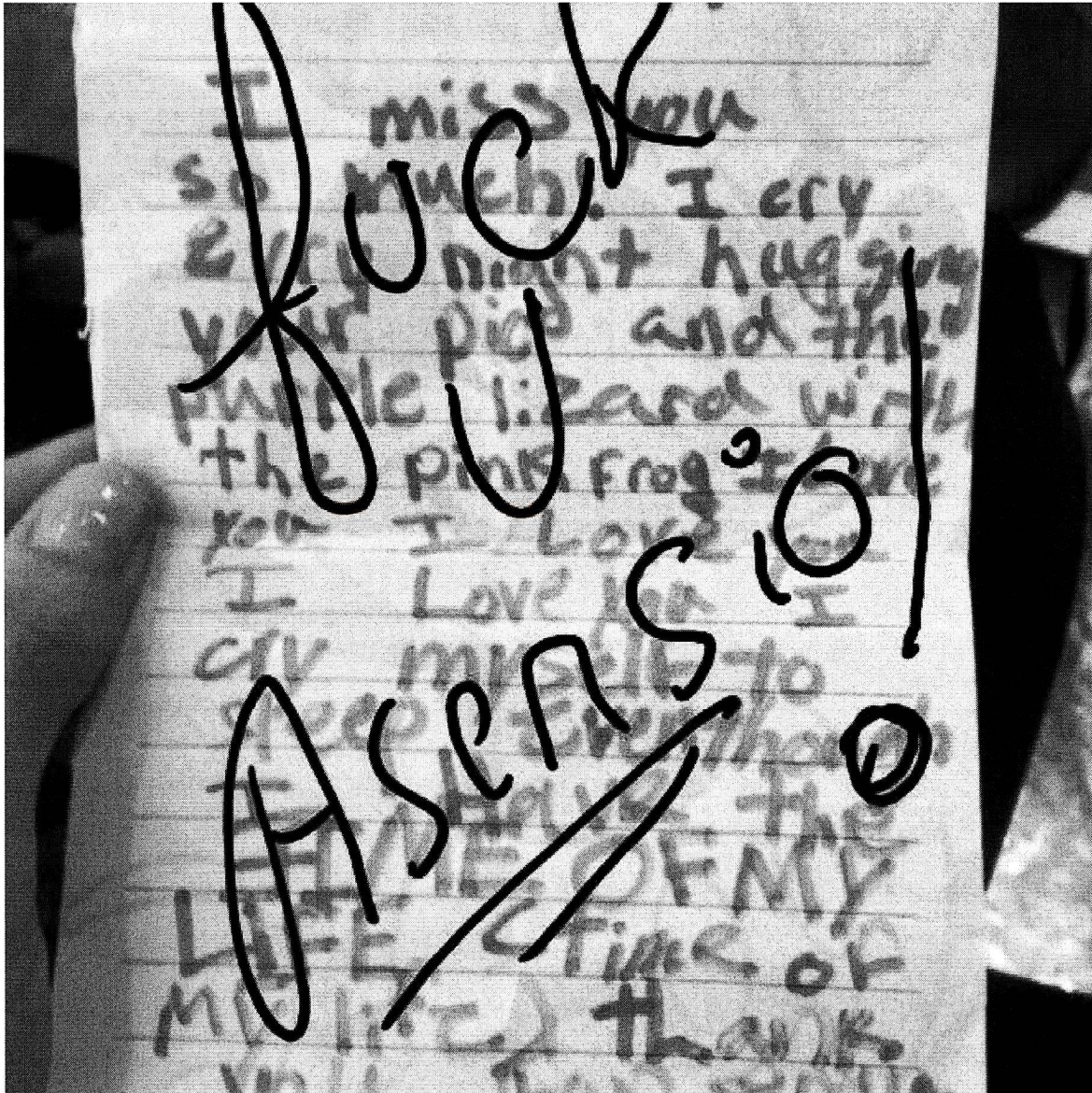


EXHIBIT 5

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
MANUEL P. ASENSIO,

Plaintiff/~~Petitioner~~,

- against -

Index No. 159812/2016

RICHARD SPITZER,

Defendant/~~Respondent~~

-----X
**NOTICE OF COMMENCEMENT OF ACTION
SUBJECT TO MANDATORY ELECTRONIC FILING**

PLEASE TAKE NOTICE that the matter captioned above has been commenced as an electronically filed case in the New York State Courts Electronic Filing System ("NYSCEF") as required by CPLR § 2111 and Uniform Rule § 202.5-bb (mandatory electronic filing). This notice is being served as required by that rule.

NYSCEF is designed for the electronic filing of documents with the County Clerk and the court and for the electronic service of those documents, court documents, and court notices upon counsel and unrepresented litigants who have consented to electronic filing.

Electronic filing offers significant benefits for attorneys and litigants, permitting papers to be filed with the County Clerk and the court and served on other parties simply, conveniently, and quickly. NYSCEF case documents are filed with the County Clerk and the court by filing on the NYSCEF Website, which can be done at any time of the day or night on any day of the week. The documents are served automatically on all consenting e-filers as soon as the document is uploaded to the website, which sends out an immediate email notification of the filing.

The NYSCEF System charges no fees for filing, serving, or viewing the electronic case record, nor does it charge any fees to print any filed documents. Normal filing fees must be paid, but this can be done on-line.

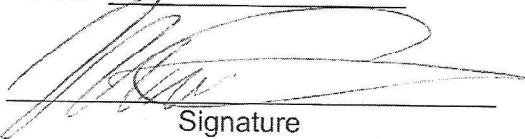
Parties represented by an attorney: An attorney representing a party who is served with this notice must either: 1) immediately record his or her representation within the e-filed matter on the NYSCEF site; or 2) file the Notice of Opt-Out form with the clerk of the court where this action is pending. Exemptions from mandatory e-filing are limited to attorneys who certify in good faith that they lack the computer hardware and/or scanner and/or internet connection or that they lack (along with all employees subject to their direction) the operational knowledge to comply with e-filing requirements. [Section 202.5-bb(e)]

Parties not represented by an attorney: Unrepresented litigants are exempt from e-filing. They can serve and file documents in paper form and must be served with documents in paper form. However, an unrepresented litigant may participate in e-filing.

For information on how to participate in e-filing, unrepresented litigants should contact the appropriate clerk in the court where the action was filed or visit www.nycourts.gov/efile-unrepresented. Unrepresented litigants also are encouraged to visit www.nycourthelp.gov or contact the Help Center in the court where the action was filed. An unrepresented litigant who consents to e-filing may cease participation at any time. However, the other parties may continue to e-file their court documents in the case.

For additional information about electronic filing and to create a NYSCEF account, visit the NYSCEF website at www.nycourts.gov/efile or contact the NYSCEF Resource Center (phone: 646-386-3033; e-mail: efile@nycourts.gov).

Dated: November 22, 2016


Signature

MITCHELL CANTOR

Name

LAW OFFICES OF MITCHELL CANTOR

Firm Name

355 LEXINGTON AVENUE, SUITE 401

Address

NEW YORK, NEW YORK 10017

212-679-7820

Phone

Cantor.law@verizon.net

E-Mail

To: RICHARD SPITZER

291 BROADWAY, SUITE 808

NEW YORK, NEW YORK 10007

9/3/15

EXHIBIT 2

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

MARIE EMILIE BOSAK

INDIVIDUAL ASSIGNMENT PART 31

STIPULATION

INDEX NO. 300417/11

MOTION CALENDAR NO.

DATE 3/28/11MANUEL P. ASCENCIO-GARCIA

IT IS HEREBY STIPULATED AND AGREED by and between the below-named attorney(s) as follows:

1. Plaintiff waives temporary maintenance.
2. Defendant agrees to pay temporary child support of \$81200 per month on the 1st day of every month until the Court decides the matter as to child support;
3. Defendant agrees to pay said temporary child support of \$81200 retroactive to January of 2011 and will receive a credit for all payments upon the Court's decision as to child support.
4. Father/Def + Mother/M.F. will share temporary access on the following schedule. Mother shall be the Child every 1st + Tuesday dropping her at school a summer program a Father's residence on Wednesday ~~at 3:00 PM~~;

Attorney for Plaintiff

Date:

3/28/11

Attorney for Defendant

So Ordered.

Attorney for Defendant

ENTER:

J.S.C.
HON. LAURA DRAGER

SC-83 (rev 2/86)

14/5
9/14

PRELIMINARY CONFERENCE ORDER

X. ADDITIONAL DIRECTIVES:

- Father will have the child from Wednesday after school through Friday when he drops the child at school. Summer program is mother's residence. The parties shall alternate every weekend from Friday after school until Monday ^{8:30} AM when the parent shall deliver the child to school, summer program or the other parent's home.
5. The parties will share equally the Spring school recess with the father having the first half & the father the second half returning the child to school on Monday, 4-10-2017. 9/14/17
6. The parties shall share equally the summer and all other future holidays & school vacations. The parties will mutually agree as to whether the future school vacations shall be attended ^{disputed} equally.
7. Neither parent will disparage the other parent to the child.
8. No e-mail between the parties except as it relates to Eva's health & welfare and the parties agree to respond.
9. The parties will limit social media to 1 per day unless there is an emergency involving the child.
10. The parties agree that when the child is with the other parent, the father may telephone the child 2x per day for 15 minutes. Neither parent will remain with the child when she is speaking nor.

X. ADDITIONAL DIRECTIVES

20/18
1/12

PRELIMINARY CONFERENCE ORDER

X. ADDITIONAL DIRECTIVES:

1. Child is speaking to the other parent. The child shall be permitted to contact the other parent when she is with a parent at will.
11. Defendant shall pay the child's school tuition before April 5, 2018. However, he will not agree to enroll the child in ~~any~~ ^{any} ~~particular~~ ^{particular} FLY for next year, unless they mutually agree or ordered by a court. The father is a native Spanish speaker & cannot assist the child in French w/o interpreter.
12. The settlement of the Plaintiff with BMT is without prejudice to any claim. The parties wish to note in this litigation, including who owns plaintiff and moves to give father persons to father.
13. Parties consent to the court selecting a guardian ad litem. They will have 5 days to submit a mutually agreeable ^{NAME} ~~person~~ to the court. If they cannot agree, the court will select the person ^{PERSON} ~~person~~ ^{FATHER} ~~person~~. The court will determine the percentage and parent shall pay.
14. The parties consent to attorneys for the child to be appointed by the court. ~~The court will determine the percentage each parent shall pay.~~ ^{as per JLB}
15. Plaintiff withdraws current motion for legal fees without prejudice to filing a subsequent motion.

X. ADDITIONAL DIRECTIVES

31

X. ADDITIONAL DIRECTIVES: *16. The father parent shall take the child out of the country ^{or foreign} without any further intention. The child's passport shall be held by the Department's attorney ^{or his lawyer} *17. W. M. Case*; who shall not release it unless he receives a Court order or stipulation of an agreement between the parties.*

17. Personal Property: The parties will exchange a list of personal property after each has had an opportunity to have access. ~~upon the~~ ^{we} week of this order to Cooper Square Court & Buickall Avenue. Such access shall require a third party to be present and shall not violate the Order of Protection ~~dated~~ in effect. Thereafter, the parties will exchange ^{w/ a copy} lists of property each party is claiming. ~~and~~ for the visit

Any controversy regarding the ownership of the property
shall be resolved through mediation with a mutually
agreed upon mediator.

All of the property covers must be resolved within 30 days after Burt pays the Plaintiff \$100,000.

~~Should~~ Should the Plaintiff not once the parties agree to exchange personal property without prejudice to either party applying to the court for other property.

18. PARTIES Agree to participate in Inventory Coordination with a therapist to be mutually agreed upon by the parties.

Each party will see on the spot recommended by the other party is the most agreeable. The court will select the PC

SC.NO. 8F Rev. 2/86

SC.NO. 8F Rev. 2/86

4 + 5

PRELIMINARY CONFERENCE ORDER

X. ADDITIONAL DIRECTIVES:

The Parent Coordinator will see the parties separately unless the PC desires to see them together. The PC will assist the parties with parenting Evan during the course in a healthy manner and assist the parties to resolve the custody issues in this case as well as any issues regarding Evan's health & welfare. PARENT CAN PLEASE TO MODIFY THIS ORDER AND S.C. FOR THE SCHOOL YEAR 9/11 TO 6/12 WITH ASSISTANCE OF THE PARENT COORDINATOR. SHOW THEIR OWN

X. ADDITIONAL DIRECTIVES

5/5

EXHIBIT 3

UCS-840 (REV 1/2000)

REQUEST FOR JUDICIAL INTERVENTION

Supreme New York 300417/2011 1/13/11
 COURT COUNTY INDEX NO. DATE PURCHASED

PLAINTIFF(S):

MARIE EMILIE BOSAK

DEFENDANT(S):

MANUEL P. ASENSIO-GARCIA

For Clerk Only

IAS entry date

Judge Assigned

RJI Date

Date issue joined: N/A Bill of particulars served (Y/N): ☐ Yes ☒ No

NATURE OF JUDICIAL INTERVENTION (check ONE box only AND enter information)

- ☐ Request for preliminary conference ☐ Notice of petition (return date: _____)
 Relief sought _____
- ☐ Note of issue and/or certificate of readiness ☐ Notice of medical or dental malpractice action (specify: _____)
- ☐ Notice of motion (return date: _____)
 Relief sought _____ ☐ Statement of net worth
- ☒ Order to show cause (clerk enter return date: _____)
 Relief sought Maintenance, attorney fees, custody, expedited discovery, appointment of psychologist ☐ Writ of habeas corpus
- ☐ Other ex parte application (specify: _____) ☐ Other (specify: _____)

NATURE OF ACTION OR PROCEEDING (Check ONE box only)

MATRIMONIAL

- ☒ Contested -CM
☐ Uncontested -UM

COMMERCIAL

- ☐ Contract -CONT
☐ Corporate -CORP
☐ Insurance (where insurer is a party, except arbitration) -INS
☐ UCC (including sales, negotiable instruments) -UCC
☐ *Other Commercial -OC

REAL PROPERTY

- ☐ Tax Certiorari -TAX
☐ Foreclosure -FOR
☐ Condemnation -COND
☐ Landlord/Tenant -LT
☐ *Other Real Property -ORP

OTHER MATTERS

- ☐ * _____ -OTM

TORTS

Malpractice

- ☐ Medical/Podiatric -MM
☐ Dental -DM
☐ *Other Professional -OPM

- ☐ Motor Vehicle -MV
☐ *Products Liability -PL

- ☐ Environmental -EN
☐ Asbestos -ASB
☐ Breast Implant -BI
☐ *Other Negligence -OTN

- ☐ *Other Tort (including intentional) -OT

SPECIAL PROCEEDINGS

- ☐ Art. 75 (Arbitration) -ART75
☐ Art. 77 (Trusts) -ART77
☐ Art. 78 -ART78
☐ Election Law -ELEC
☐ Guardianship (MEL Art. 81) -GUARD81
☐ *Other Mental Hygiene -MEYG
☐ *Other Special Proceeding -OSP

Check "YES" or "NO" for each of the following questions:

Is this action/proceeding against a

YES NO

[] ☒ Municipality:
(Specify _____)

YES NO

[] ☒ Public Authority:
(Specify _____)

YES NO

- ☒ [] Does this action/proceeding seek equitable relief?
 [] ☒ Does this action/proceeding seek recovery for personal injury?
 [] ☒ Does this action/proceeding seek recovery for property damage?

Pre-Note Time Frames:

(This applies to all cases except contested matrimonials and tax certiorari cases)

Estimated time period for case to be ready for trial (from filing of RJ1 to filing of Note of Issue):

☐ Expedited: 0-8 months

☒ Standard: 9-12 months

☐ Complex: 13-15 months

Contested Matrimonial Cases Only: (Check and give date)

Has summons been served? ☐ No

☒ Yes, Date 1/13/11

Was a Notice of No Necessity filed? ☒ No

☐ Yes, Date _____

ATTORNEY(S) FOR PLAINTIFF(S):

<u>Self Rep.*</u>	<u>Name</u>	<u>Address</u>	<u>Phone #</u>
<input type="checkbox"/>	Judd Burstein, P.C.	1790 Broadway, New York, NY 10019	212-974-2400
<input type="checkbox"/>			

ATTORNEY(S) FOR DEFENDANT(S):

<u>Self Rep.*</u>	<u>Name</u>	<u>Address</u>	<u>Phone #</u>
<input type="checkbox"/>			
<input type="checkbox"/>			

*Self Represented: parties representing themselves, without an attorney, should check the "Self Rep." box and enter their name, address, and phone # in the space provided above for attorneys.

INSURANCE CARRIERS:

RELATED CASES: (IF NONE, write "NONE" below)

Title Index # Court
 Bosak v. Asensio Pocket # V-43873-10 Family Court

Nature of Relationship

Family Court Case concerns the parties to this action and custody/visitation of the parties' child

I AFFIRM UNDER PENALTY OF PERJURY THAT, TO MY KNOWLEDGE, OTHER THAN AS NOTED ABOVE, THERE ARE AND HAVE BEEN NO RELATED ACTIONS OR PROCEEDINGS, NOR HAS A REQUEST FOR JUDICIAL INTERVENTION PREVIOUSLY BEEN FILED IN THIS ACTION OR PROCEEDING.

Dated: 2/10/11

(SIGNATURE)

Judd Burstein

(PRINT OR TYPE NAME)

Marie Emilie Bosak

ATTORNEY FOR

ATTACH RIDER SHEET IF NECESSARY TO PROVIDE REQUIRED INFORMATION

EXHIBIT 4